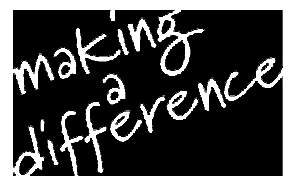


Planning Committee

Wed 2nd Nov
2011
7pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all formal Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agendas and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees

(or summaries of business undertaken in private) for up to six years following a meeting.

- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.

A reasonable number of copies of agendas and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its, Committees etc.

- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

www.redditchbc.gov.uk

If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:

Janice Smyth

Member and Committee Support Services Assistant

Town Hall, Walter Stranz Square, Redditch, B98 8AH

Tel: (01527) 64252 Ext. 3266 Fax: (01527) 65216

e.mail: janice.smyth@bromsgroveandredditch.gov.uk

Minicom: 595528

REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair) as follows:

in accordance with the running order detailed in this agenda (Applications for Planning Permission item) and updated by the separate Update report:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report (as originally printed; updated in the later Update Report; and updated orally by the Planning Officers at the meeting).
- 3) Public Speaking - in the following order:-
 - a) Objectors to speak on the application;
 - b) Supporters to speak on application;
 - c) Applicant to speak on application.

Speakers will be called in the order they have notified their interest in speaking to the Planning Officers (by the 4.00 p.m. deadline on the Friday before the meeting) and invited to the table or lecturn.

- Each individual speaker, or group representative, will have up to a maximum of 3 minutes to speak. (Please press button on “conference unit” to activate microphone.)
 - After each of a), b) and c) above, Members may put relevant questions to the speaker, for clarification. (Please remain at the table in case of questions.)
- 4) Members’ questions to the Officers and formal debate / determination.

Notes:

- 1) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No.3, the County Structure Plan (comprising the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the development plan and the “environmental factors” (in the broad sense) which affect the site.
- 2) No audio recording, filming, video recording or photography, etc. of any part of this meeting is permitted without express consent (Section 100A(7) of the Local Government Act 1972).
- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) Late circulation of additional papers is not advised and is subject to the Chair’s agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 4.00 p.m. on the Friday before the meeting.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify Planning Officers by 4.00 p.m. on the Friday before the meeting.

Further assistance:

If you require any further assistance prior to the meeting, please contact the Committee Services Officer (indicated at the foot of the inside front cover), Head of Democratic Services, or Planning Officers, at the same address.

At the meeting, these Officers will normally be seated either side of the Chair.

The Chair’s place is at the front left-hand corner of the Committee table as viewed from the Public Gallery.

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments: tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



PLANNING COMMITTEE

2nd November 2011

7pm

Council Chamber, Town Hall

Agenda

Membership:

Cllrs:	Michael Chalk (Chair)	Bill Hartnett
	Roger Hill (Vice-Chair)	Robin King
	Peter Anderson	Wanda King
	Andrew Brazier	Brenda Quinney
	Malcolm Hall	

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Confirmation of Minutes (Pages 1 - 10)</p>	<p>To confirm, as correct records, the minutes of the meetings of the Planning Committee held on 3rd and 5th October 2011.</p> <p>(Minutes attached)</p>
<p>4. Planning Application 2011/219/FUL - J Sainsbury's Supermarket, Alvechurch Highway, Redditch (Pages 11 - 22) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the erection of Class A1 store extensions to side and front, elevational changes including new shop front and canopy, alterations to car park layout, new landscaping, relocated recycling facilities and associated plant, and removal of Petrol Filling Station from site.</p> <p>Applicant: Sainsbury's Supermarkets Ltd</p> <p>(Report and Site Plan attached)</p> <p>(Abbey Ward);</p>
<p>5. Planning Application 2011/245/COU - Shrubbery House, 47 Prospect Hill, Redditch (Pages 23 - 28) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from B1 (Office) to D1 (Non-Residential Institution) for an education centre offering English, maths and science tuition for 6 – 16 age groups.</p> <p>Applicant: Mr J Hussain</p> <p>(Report and Site Plan attached)</p> <p>(Abbey Ward);</p>

PLANNING

Committee

2nd November 2011

<p>6. Church Hill District Centre Application - Extension of time for completion of Planning Obligation</p> <p>(Pages 29 - 30)</p> <p>Head of Planning and Regeneration</p>	<p>To consider extending the deadline for completion of a Planning Obligation in relation to Planning Application 2011/227/FUL (mixed use development, including medical centre and retail building with car parking and landscaping, 51 dwellings, new high street and associated open space) to form a regenerated Church Hill District Centre.</p> <p>(Report attached)</p> <p>(Church Hill Ward);</p>
<p>7. Appeal Outcome - The Tin House, Blaze Lane, Hunt End</p> <p>(Pages 31 - 32)</p> <p>Head of Planning and Regeneration</p>	<p>To note an appeal outcome against a refusal of Planning Permission in relation to an outline application for the erection of a replacement dwelling with detached garage and store.</p> <p>(Report attached)</p> <p>(Astwood Bank & Feckenham Ward);</p>
<p>8. Appeal Outcome - 9 Matchborough Centre, Matchborough Way</p> <p>(Pages 33 - 34)</p> <p>Head of Planning and Regeneration</p>	<p>To note the outcome of an appeal against a grant of Planning Permission, subject to Conditions, in relation to a retrospective change of use of premises from A1 (Shops) to A5 (Hot Food Takeaway).</p> <p>(Report attached)</p> <p>(Matchborough Ward);</p>
<p>9. Appeal Outcome - Highway verge off Claybrook Drive</p> <p>(Pages 35 - 36)</p> <p>Head of Planning and Regeneration</p>	<p>To note the outcome of an appeal against refusal of Prior Approval of the siting and design of a telecommunications installation.</p> <p>(Report attached)</p> <p>(Matchborough Ward);</p>
<p>10. Appeal Outcome - Stables Farm Shop, Astwood Lane, Astwood Bank</p> <p>(Pages 37 - 40)</p> <p>Head of Planning and Regeneration</p>	<p>To note the outcome of an appeal against refusal of two Planning Permissions in relation to: a variation of conditions in respect of sourcing produce sold in the farm shop; opening hours of the farm shop and tea room and numbers of covers in the tea room; and an Enforcement Notice in relation to: an alleged change of use of ancillary shop floor to retail; change of use of field to car parking; erection of storage units, WC extension and canopy porch; and insertion of windows in tea room.</p> <p>(Report attached)</p> <p>(Astwood Bank & Feckenham Ward);</p>

PLANNING

Committee

2nd November 2011

<p>11. Appeal Outcome - 32 Peterbrook Close, Oakenshaw</p> <p>(Pages 41 - 42)</p> <p>Head of Planning and Regeneration</p>	<p>To note the outcome of an appeal against refusal of Planning Permission in relation to a two storey extension to side and single storey extension to rear of a dwelling house.</p> <p>(Report attached)</p> <p>(Headless Cross & Oakenshaw Ward);</p>
<p>12. Exclusion of the Public</p>	<p>During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.</p> <p>These paragraphs are as follows:</p> <p>subject to the “public interest” test, information relating to:</p> <ul style="list-style-type: none">Para 1 - <u>any individual;</u>Para 2 - <u>the identity of any individual;</u>Para 3 - <u>financial or business affairs;</u>Para 4 - <u>labour relations matters;</u>Para 5 - <u>legal professional privilege;</u>Para 6 - <u>a notice, order or direction;</u>Para 7 - <u>the prevention, investigation or prosecution of crime;</u> <p>may need to be considered as “exempt”.</p>
<p>13. Confidential Matters (if any)</p>	<p>To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)</p>



Planning Committee

3rd October 2011

MINUTES

Present:

Councillor Michael Chalk (Chair), and Councillors Peter Anderson, Andrew Brazier, David Bush, Andrew Fry, Wanda King and Alan Mason (substituting for Councillor Bill Hartnett)

Also Present:

M Collins (observer for Standards Committee) and Mr B Sharp (Worcestershire County Council Highways Engineer)

Officers:

R Bamford, N Chana, A Hussain, A Rutt and I Westmore

Committee Services Officer:

J Smyth

33. APOLOGIES

Apologies for absence were received on behalf of Councillors Bill Hartnett, Roger Hill and Robin King.

34. DECLARATIONS OF INTEREST

Councillors Bill Hartnett and Roger Hill, in the public gallery, declared personal and prejudicial interests in relation to Planning Application 2011/227/FUL (Church Hill District Centre, Tanhouse Lane, Church Hill) as detailed separately at Minute 35 below. Councillor Robin King, also in the public gallery, declared an interest as a Church Hill Ward member, also as detailed separately at Minute 35.

.....
Chair

**35. PLANNING APPLICATION 2011/227/FUL –
CHURCH HILL DISTRICT CENTRE, TANHOUSE LANE,
CHURCH HILL**

Mixed use development including medical centre and
retail building with car parking and landscaping,
51 dwellings, new high street and associated open space,
to form a regenerated district centre

Applicant: LSP Developments, Bellway Homes
and Accord Housing Association

The following people addressed the Committee under the Council's public speaking rules:

- Mr H Croft - Objector
- Miss A New - Objector on behalf of Year 4 –
Abbeywood First School
- Master B Lowe - Objector on behalf of Year 4 –
Abbeywood First School
- Cllr B Hartnett - Ward Councillor and objector
- Cllr R King - Ward Councillor and objector on behalf of local
residents
- Mr E Sutton - Joint Applicant
- Mr M Wright - Applicant's Agent

During the debate, the Chair also exceptionally allowed Mr B Sharp (a Worcestershire County Council Highway Engineer present at the meeting), to respond to a number of Members' questions in relation to highways matters.

RESOLVED that

having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to GRANT planner permission subject to:

- 1) **the completion of a Section 106 Planning Obligation to ensure**
 - a) **the on-site open space is provided and maintained as such in perpetuity;**
 - b) **the 39 units are for the provision of social housing in perpetuity; and**
 - c) **a Bond is secured for Traffic Regulation Order measures such as weight restrictions and giving priority to oncoming vehicles on the new boulevard south of Church Hill Way and any other off-site junction improvements required; and**

- 2) the conditions and informatives as stated in the main report and as summarised below:
- 1) Time limit for commencement of development – three years from decision date;
 - 2) Materials to be agreed prior to commencement of development (by phase);
 - 3) Surfacing materials to be agreed prior to commencement of development;
 - 4) All hard surfacing to be permeable or sustainably drained – where not permeable, drainage details to be supplied and agreed prior to their implementation;
 - 5) Planting and replacement details to be agreed;
 - 6) Gated rear garden accesses - details to be agreed in order to ensure that they are secure;
 - 7) Shop windows to remain transparent to allow for passive surveillance and security;
 - 8) Shop shutters to be internal only, if necessary;
 - 9) Implement tree protection prior to and throughout construction phase;
 - 10) Contaminated land to be dealt with appropriately, if found;
 - 11) To be built to sustainability standards as detailed in the submission (CSH3/BREEAM);
 - 12) removal of Permitted Development Rights from residential properties to prevent over development of gardens;
 - 13) Details of ventilation and extraction leading to flues shown on plans;
 - 14) Approved plans specified;
 - 15) Flat roof materials and details to be submitted and agreed (to prevent public access);
 - 16) Fencing details to be submitted and agreed;
 - 17) Street furniture details to be submitted and agreed; and
 - 18) Allotment access gate details to be submitted and agreed.

Informatives

- 1) Reason for approval

- 2) **Advertisement consent application(s) will be required prior to display of any signage, for instance on district centre building**
 - 3) **NB S106 attached**
 - 4) **Highways informatives.**
- 3) **the following additional Conditions and Informatives:**

Conditions

- “19) **a Bat Survey to be implemented, including installation of bat boxes and dark corridors.**
- 20) **Details of the layout and access arrangements of the allotments to be agreed prior to their implementation.**
- 21) **Pedestrian crossing between car park and retail building to be agreed and implemented as such.”**

Informatives

- “5. **The applicant should discuss appropriate CCTV installation with the Council’s CCTV team; and**
6. **The Applicant should consider implementing limited waiting time restrictions in the car park to 2 to 3 hours maximum, to prevent all day parking displacing some parking elsewhere.”**

OR:

- 4) **In the event that the Planning Obligation cannot be completed by 22nd November 2011, authority be delegated to the Head of Planning and Regeneration REFUSE the Application on the basis that, without the Planning Obligation, the proposed Development would be contrary to Policy and therefore unacceptable, due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements, and that none of the dwellings could be restricted to use for affordable housing in line with current policy requirements.**

(In considering the Planning Application and having given due regard to the representations made by public speakers, the Committee agreed that there was a need to secure a Bond, as part of the Section 106 Planning Obligation, to provide for Traffic

Planning Committee

3rd October 2011

Regulation Orders in relation to additional improvement measures within the Application site and off-site junctions, if required, as detailed in Resolution 1 c) above.

Members also agreed three additional conditions in relation to the protection of bats and their habitats; access and design of the allotments; and provision of a pedestrian crossing from the Car Park to the Centre, as detailed in Resolution 3 above.

Two additional informatives were agreed in relation to provision of CCTV and limiting car parking waiting times, also as detailed in Resolution 3 above.

Members noted that, in light of the need to secure the agreed additional Bond for Traffic Regulation Orders, if further time was likely to be required to finalise the Section 106 Agreement, Officers would bring a report to the 2nd November 2011 Planning Committee meeting for the Committee to consider an extension to the current completion deadline of 22nd November 2011 (as detailed at Resolution 4 above).

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, from the public gallery, Councillor Bill Hartnett declared a personal and prejudicial interest as a Board Member of Redditch Co-operative Homes and additionally of Accord Housing Association, and as he also intended to exercise his right to speak as a Ward member / objector. He therefore withdrew from the meeting prior to the Committee's debate on the Application.

Also prior to consideration of this item and from the public gallery, Councillor Roger Hill declared a personal and prejudicial interest as he was a member of Redditch Co-operative Homes, and additionally of Accord Housing Association and the Council's Church Hill Panel, and withdrew from the meeting prior to the Committee's debate on the Application.

From the public gallery, Councillor Robin King declared an interest in that he was exercising his right to speak as a Ward member and objector on behalf local residents of his Ward.)

The Meeting commenced at 7.00 pm
and closed at 8.34 pm

.....
CHAIR



Planning Committee

5th October 2011

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Roger Hill (Vice-Chair) and Councillors Peter Anderson, Andrew Fry, Malcolm Hall, Alan Mason and Brenda Quinney

Also Present:

M Collins (observer for Standards Committee)

Officers:

R Bamford, S Edden, A Hussain, A Rutt and I Westmore

Committee Services Officer:

J Smyth

36. APOLOGIES

Apologies for absence were received on behalf of Councillors Andrew Brazier, Bill Hartnett, Robin King and Wanda King.

37. DECLARATIONS OF INTEREST

No declarations of interest were made.

38. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 7th September 2011 be confirmed as a correct record and signed by the Chair.

.....
Chair

**39. PLANNING APPLICATION 2011/205/FUL –
LAND ADJACENT TO 4A UPPER HALL CLOSE, IPSLEY**

Erection of new dwelling and garage

Applicant: Mr A Willis

Mr A Willis, the Applicant, addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions and informatives as summarised in the main report.

**40. PLANNING APPLICATION 2011/209/FUL –
ABBEY HOTEL GOLF AND COUNTRY CLUB,
DAGNELL END ROAD, REDDITCH**

Improvements to leisure facilities at existing driving range, replacement of single storey range building with two storey building to increase the number of golfing bays to 31, improvements to range green to include lake and lighting system, provision of ancillary car parking, access, landscaping and security measures.

Applicant: RSM Leisure Ltd

Mr C MacMillan, objector, and Mr P Downes, the Applicant's Agent, addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions and informatives as summarised in the main report, and the following additional condition:

“7. No ball collections to take place between the hours of 10pm and 8am.”

(In considering the Planning Application and representations made by Public speakers, and in particular, in relation to use of ball collection machines, Members agreed the imposition of a further condition to prohibit their use between 10pm and 8am.)

Planning Committee

5th October 2011

The Meeting commenced at 7.00 pm
and closed at 7.43 pm

.....
CHAIR

REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**

2nd November 2011

PLANNING APPLICATION 2011/219/FUL

ERECTION OF CLASS A1 STORE EXTENSIONS TO SIDE AND FRONT, ELEVATIONAL CHANGES INCLUDING NEW SHOP FRONT AND CANOPY, ALTERATIONS TO CAR PARK LAYOUT, NEW LANDSCAPING, RELOCATED RECYCLING FACILITIES AND ASSOCIATED PLANT, AND REMOVAL OF PFS FROM SITE

J SAINSBURY'S SUPERMARKET, ALVECHURCH HIGHWAY, REDDITCH

APPLICANT: SAINSBURY'S SUPERMARKETS LTD

EXPIRY DATE: 7TH NOVEMBER 2011

WARD: ABBEY

The author of this report is Ailith Rutt, Development Management Manager, who can be contacted on extension 3374 (e-mail: ailith.rutt@bromsgroveandredditch.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

Existing large site forming part of retail park adjacent to Alvechurch Highway, and accessed from roundabout where the Highway meets Middlehouse Lane. The application site includes the existing Sainsbury's petrol filling station (PFS) and also the existing store and car parking area. However, it does not include the other retail units on the retail park. The small roundabout does lie within the site, where all traffic entering the site arrives, and turns left for Sainsbury's/fuel or right for the other retail units (Homebase/Argos). The site also includes some highway margins along Fishing Line Road.

The Sainsbury's store is of brick and tile construction, with large, sparsely landscaped surface parking area. It is a typical retail outlet, with large pedestrian area to frontage, including trolley storage areas. The parking area rises gently to the southern end of the site, where it joins Fishing Line Road, and where there is currently an emergency/bus access.

The boundary of the site with the large roundabout and Alvechurch Highway is planted and thus the site is well screened from passing traffic. To the west of the site are residential properties which front onto Birmingham Road. Their rear gardens back onto the rear of the existing store.

**PLANNING
COMMITTEE**2nd November 2011

Proposal Description

The proposal is to extend the store and amend its appearance, and as a result amend the car park layout, whilst removing the PFS from the site.

The store extensions would be to the front and side, and result in the provision of a new shop front and some elevational changes. The front would have significant quantities of glazing added to brighten the internal store areas, with cladding surrounds, and a steel canopy to provide porch/shelter style accommodation to the front. The entrance would be moved south along the store frontage and an internal porch area would be created. The ATMs would also be relocated externally further south along the front elevation, to the left of the new entrance.

To the south side of the store would be a further extension – the front and side extensions are relatively narrow and wrap around the existing store, bringing its footprint out towards the car park – and this would accommodate the restaurant. The internal layout of the whole store would be altered in terms of circulation patterns and locations of different elements as a result of these proposals.

The total new floor area would be 5262m², of which 335m² would be for an additional trading area.

The alteration of the layout of the site and particularly vehicle circulation within is intended to improve access and safety. Vehicles would leave the roundabout on the Alvechurch Highway and flow round to their left around the perimeter of the site to continue south into the store car park which would have a two way lane layout around the whole perimeter. A lay-by would be provided to accommodate the recycling facility just near the entrance from the roundabout. The car park would continue to have lanes perpendicular to the store front. Vehicles would all exit either using the existing egress onto the mini roundabout which is located adjacent the NE corner of the store, or turning left onto the approach and going the whole way around the mini roundabout. Cars seeking to access the other elements of the retail park would proceed as now, unaffected. Deliveries to Sainsbury's would also remain as currently operational and home delivery vans would also use the rear service area.

The Fishing Line Road vehicular access point would be opened up to two way traffic for all users, so that this access could be used by shoppers coming by car from the Birmingham Road direction, as well as its continued use by buses.

Cycle parking is located at either end of the store front, within the parking layout. A bus stop is shown in its current location.

PLANNING COMMITTEE

2nd November 2011

The proposal is likely to result in around 20 full time and 40 part time new jobs being created at the store in addition to the existing 100 full time and 200 part time jobs.

The application is accompanied and supported by a Planning & Retail statement, Design & Access statement, Transport statement and Travel Plan Framework document, Statement of Community Involvement, Contaminated Land assessment, tree impact and method statement and survey schedule, lighting assessment, noise assessment, renewable energy & energy efficiency assessment, FRA and ecological assessment.

Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering sustainable development

PPS4 Planning for sustainable economic growth

PPG13 Transport

Regional Spatial Strategy

Whilst the RSS still exists and forms part of the Development Plan for Redditch, it does not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that such policy is likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS.

Worcestershire County Structure Plan

T1 Location of development

T3 Managing car use

D31 Retail hierarchy

D32 Preferred locations of large scale retail development

D33 Retailing in out of centre locations

SD1 Prudent use of natural resources

SD2 Care for the environment

SD4 Minimising the need to travel.

**PLANNING
COMMITTEE**

2nd November 2011

Borough of Redditch Local Plan No.3

CS1 Prudent use of natural resources
 CS2 Care of the environment
 CS3 Use of previously developed land
 CS4 Minimising the need to travel
 CS7 The sustainable location of development
 S1 Designing out crime
 B(BE)13 Qualities of good design
 B(BE)14 Alterations and extensions
 B(BE)19 Green architecture
 B(NE)5 Pollution implications of development
 E(EMP)3 Primarily employment areas
 E(EMP)3a Development affecting primarily employment areas
 E(TCR)1 Vitality and viability of the town centre
 E(TCR)4 Need and the sequential approach
 E(TCR)11a Retail sales at petrol filling stations
 E(TCR)12 Class A3 uses
 C(T)1 Access to and within development
 C(T)7 Public transport infrastructure
 C(T)10 Traffic management
 C(T)12 Parking standards.

SPDs

Encouraging good design
 Designing for community safety

The site is designated as part of a Primarily Employment Area within the Local Plan, which includes the whole retail park and some industrial and commercial units to the south of the site.

Emerging policies

The government has recently published its draft National Planning Policy Framework document (NPPF). Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft National Planning Policy Framework is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgment in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

It is not considered in this case that this policy direction is significantly different from that in the other Development Plan documents that are relevant to this decision, and therefore is not referenced further due to it having only little weight at this stage.

**PLANNING
COMMITTEE****2nd November 2011**

The Core Strategy is the document that will eventually replace the local plan, and is currently working through the process towards adoption. It has been published and consulted upon, and therefore counts as emerging policy to which some weight can be given in the decision making process. The current version is the 'revised preferred draft core strategy' (January 2011).

The Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies.

Relevant Site Planning History

Application No.	Description	Decision	Decision date
87/693/OUT	Food Superstore, PFS, Coffee shop parking and access	Approved	17/02/1988
88/199/RM	Design, appearance and landscaping details of food superstore, PFS and Coffee shop	Approved	13/05/1988
98/119/FUL	Sales area extension and improvements to existing retail store	Approved	21/09/1998
2002/584	Extension of existing supermarket and erection of associated decked car park	Approved (inc.S106)	13/02/2007
2003/144	Totem and canopy signs	Withdrawn	01/10/2003
2003/145	PFS refurbishment	Withdrawn	15/07/2003
2003/491	Advert resubmission	Approved	26/11/2003
2004/040	Various advertisements	Approved	16/03/2004
2007/179	PFS refurbishment	Withdrawn	21/03/2007
2007/185	Advertisements at PFS	Approved	22/05/2007
2008/063	Replacement totem sign	Approved	14/03/2008
2008/254	Store extension, decked car park and revision of PFS layout	Approved	27/10/2008

Application 2008/254/FUL was for additional sales area and a two storey decked car park, a mezzanine and alterations to the PFS. It was granted consent but has never been implemented. By the time of the Committee meeting, it will have lapsed.

PLANNING COMMITTEE

2nd November 2011

Public Consultation responses

One objection received raising the following concerns:

- Opening up of Fishing Line Road access in theory as well as practice
- On street parking would increase and thus worsen
- Visibility at junction of Fishing Line Road and Birmingham Road is poor and increased use would reduce safety
- Pedestrians crossing Fishing Line Road already feel unsafe and this would worsen.

Comments relating to matters not proposed in this application and not located within the application site have been disregarded as irrelevant and therefore not reported.

Consultee responses

County Highway Network Control

No objection subject to conditions, informatives and a planning obligation for off site enhancements to the transport network and the provision and ongoing implementation of a travel plan, providing the Fishing Line Road access is not opened up to all traffic but the current restrictions retained and carried forward.

WRS: Environmental Health

No objection

Development Plans Team

No objection as the policy tests have been adequately addressed.

Drainage Officer

No response received

Tree Officer

No objection

Crime Risk Manager

No response received

Severn Trent Water

No objection subject to conditions regarding drainage provision

Environment Agency

No objection subject to conditions regarding detailed contaminated land risk investigation work related to the removal of the existing PFS and in case of any other contaminants being found

Procedural matters

This application is reported to Planning Committee because it is a major application recommended for approval.

**PLANNING
COMMITTEE**2nd November 2011

Assessment of proposal

The key issues in the consideration of this application are the principle of the development, the design and visual impact of it, the suitability of the parking and access details, sustainability and any items required through a planning obligation.

Principle

The site is designated for employment generating uses, most of which fall within Class B of the Use Classes Order. Therefore, other proposed uses, such as this for A1 retail use, need to address the relevant criteria of Policy E(EMP)3. The site is already in use for retail purposes, and has been for approximately 20 years, and therefore the retail use of the site is accepted. The sustainability of the use is considered below, and the applicant has confirmed that approximately 60 additional jobs would result from the proposed extensions and alterations. It is therefore not considered appropriate to insist on new employment (B class) uses on this site.

Further, the sequential test for retail uses is not appropriate in this case as the proposal is for the extension of an existing store rather than the creation of a new one, which should ideally be located within the town centre wherever possible.

The proposed development needs to be considered in terms of the policy tests set out in the relevant planning policy documents as detailed above. Whilst new retail proposals not located within the town centre are required to demonstrate (using the sequential test) that there are no more suitable sites nearer the town centre, the tests relating to the extension of an existing store are less rigorous and dependent on the floor area of the proposal. In non town centre locations, sustainability and access to the site by a variety of modes of transport should also be available. In this case, due to the size of the proposal additional information regarding alternative locations and impact on existing retail facilities has been sought and received. The applicants have demonstrated that there are no alternative sites where new retail provision could be located adequately as the floorspace sought is ancillary to the existing retail provision on this site and could not be provided as a separate stand alone store.

Given the information provided, the recently expired consent and the policy considerations, it is considered in this case that it is acceptable to extend the existing store in this location, and that it would not have any detrimental impacts on any other retail facilities within Redditch. Access and sustainability are considered further below.

Given all these factors, and the existing use of the site it is considered acceptable for the current site to be improved and extended.

**PLANNING
COMMITTEE****2nd November 2011**

Having considered the principle of the development, the remaining elements must now be considered:

Design and visual amenity

The proposed design of the store extension is considered to be appropriate to the existing store and the other retail units on the site. It is not considered that the proposals would have any greater impact on the visual amenity of any residential properties, as it would not be visible from any. The nearest residential properties are on Riverside, and they are at a sufficient distance, with existing good quality screening such that there would be minimal additional visual impact from the proposed development. There could be impacts of noise from the service area on the rear of residential properties along Birmingham Road, however the size of the extension is such that it is not considered likely that there would be any significant detrimental impacts.

Parking, access and highway safety

The parking provision (type, quantity and quality), the safety of the access and the internal circulation within the site should all be considered in relation to the relevant policy documents.

The table below gives details of the numbers of spaces proposed relative to policy requirements:

Space type	Max standard	Existing	Proposed	Difference (Existing – proposed)	Difference (proposed – standard)
Car spaces	530	406	385	-21	-145
Disabled spaces	26	18	25	+7	-1
Cycle spaces	53	2	24	+22	-29
Motorcycle spaces	26				-26
Lorry spaces	3				-3
Parent & Child		18	17	-1	
Totals	638	444	451	+7	-187

(It should be noted that the totals line at the bottom does NOT provide an overall summary, as this is not comparable with the other information in the table).

**PLANNING
COMMITTEE****2nd November 2011**

Although there is a shortfall of parking provision relative to the maximum standards, it is considered that the site lies within a sustainable location accessible by other modes of transport, the local routes for some of which would be improved as a result of this application (if it is successful), and therefore this level of provision is considered to be acceptable in this case.

The re-arranged access from the Alvechurch Highway roundabout is considered to be a benefit, as it would improve access to the site and thus prevent congestion backing up onto the roundabout. It would also aid in separating vehicles accessing the superstore and those accessing the other retail park units.

The full opening up of the access onto Fishing Line Road to all traffic was originally proposed, however due to the safety implications at the junction of Fishing Line Road and Birmingham Road, the highway officer requested that this be retained as a restricted access for the bus route only, and the applicant has agreed for the above to be amended accordingly. This would result in minimising any noise and disturbance to surrounding residents and not cause an increased highway safety concern in this area. The retail park site as a whole does not exceed 5ha, and therefore there is no requirement to retain an emergency vehicle access onto Fishing Line Road, and therefore it is considered acceptable that the existing access point be restricted.

The pedestrian and vehicular circulation routes through and within the site are considered to be safe and direct and thus are beneficial to all users of the site. The delivery arrangements remain as existing for HGVs, with additional space to the rear for online shopping delivery vehicles and are therefore considered to be acceptable

Sustainability

The site lies within the urban area of Redditch and is therefore considered to be in a sustainable location. The site is accessible to a variety of modes of transport including walking, cycling and public transport, and is therefore considered to comply with the sustainable objectives of the planning system. Some of these need to be improved to encourage sustainable travel in order to minimise any traffic increase related to the increase in store size, and are dealt with below as planning obligations.

Planning obligations

The previous approvals were subject to a S106 planning obligation requiring various infrastructure improvements. These were improvements to the subway leading to Lydham Close, Riverside; improvements to the footpath from the retail park to the roundabout; the provision of a safe pedestrian crossing between Sainsbury's and the Allied Carpets (now Argos) site, a contribution towards a cycleway on Fishing Line Road and highway signage improvements.

PLANNING COMMITTEE

2nd November 2011

- Works to Fishing Line Road to provide a new cycle lane to access the store
- Provision of pedestrian signage between the store and the town centre on Fishing Line Road/Birmingham Road
- Improved road signing and marking on the Riverside roundabout
- Improvement works to Lydham Close underpass to provide new lights, anti-graffiti paint, improved landscaping, mirrors, lines separating pedestrians and cyclists, new signage and new litter bins

Due to the scale and content of the current proposals, it is now considered that these infrastructure enhancements would still be required in relation to the current policy framework, and therefore these are still sought. The applicants have indicated their willingness to enter into an agreement to provide them and the necessary documents are being drawn up.

Conclusion

The proposed development is considered to be compliant with current policy and unlikely to cause significant harm to amenities, safety or other retail interests within Redditch, and is therefore recommended favourably.

Recommendation

Officers are seeking an either/or resolution from Members in this case as follows, in that Officers would carry out whichever of the two recommendations below applied. Members should note that each of the two recommendations has two parts to it:

Either:

- 1. That subject to receipt of an amended plan showing the access onto Fishing Line Road restricted to buses only and having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to:**
 - a) a planning obligation ensuring that contributions are received towards:**
 - Fishing Line Road cycle lane works; and
 - Lydham Close underpass works; and
 - Pedestrian signage works; and
 - Riverside roundabout works; and

and

- b) conditions and informatives as summarised below:**

**PLANNING
COMMITTEE**

2nd November 2011

Conditions:

1. Commencement within three years
2. Fishing Line Road access point – details of restriction to bus/emergency vehicle use only and measures in the event of failure to be agreed and implemented
3. Uses as specified and not for any other, even those within the same Use Class
4. Extensions not to be brought into use until the parking area is fully laid on surfaced and marked out
5. Bus shelter to be provided prior to occupation of extended store (adjacent to bus stop)
6. Hard and soft landscaping details to be submitted and agreed
7. Hard and soft landscaping implementation timing restriction
8. Construction hours on site (to protect nearby residential amenity in Birmingham Road)
9. Parking during construction to be agreed
10. Details of phasing of development to be provided and agreed to ensure customer safety and vehicle accessibility during construction
11. No external storage on the site at all at any time
12. As requested by STW
13. CCTV details to be submitted and agreed
14. Approved plans specified
15. The entire store resulting on site from the implementation of this consent shall continue to comply with condition 2 of consent reference 1987/693/OUT in order to protect the town centre

Informatives

- i) Reason for approval
- ii) S106 to be read in conjunction with consent
- iii) Adverts may need separate consent, except where replacing existing
- iv) As requested by STW
- v) For advice on Secured by Design contact Crime Risk Manager

Or:

2.

- a) **In the event that the planning obligation cannot be completed by 7th November 2011, Members are asked to delegate authority to the Head of Planning & Regeneration to REFUSE the application on the basis that without the planning obligation the proposed development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements; and**

**PLANNING
COMMITTEE**

2nd November 2011

- b) In the event of a refusal on this ground and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to the conditions stated above as amended in any relevant subsequent update paper or by Members at the meeting.

PLANNING COMMITTEE

2nd November 2011

PLANNING APPLICATION 2011/245/COU

**CHANGE OF USE FROM B1 (OFFICE) TO D1 (NON-RESIDENTIAL
INSTITUTION) FOR AN EDUCATION CENTRE OFFERING ENGLISH,
MATHS AND SCIENCE TUITION FOR 6 - 16 AGE GROUPS**

SHRUBBERY HOUSE, 47 PROSPECT HILL, REDDITCH

**APPLICANT: MR J HUSSAIN
EXPIRY DATE: 3RD NOVEMBER 2011**

WARD: ABBEY

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

The site comprises a large office building set between a similarly sized commercial premises to the south of the site, and a detached dwelling located immediately beyond the sites northern boundary. The property is situated to the western side of Prospect Hill. Directly opposite (to the eastern side of the road) is a large pay and display public car park. The site is located approximately 120 metres due south from the Clive Road / Prospect Hill junction. Part of the existing building is used as an accountants office. The remaining floorspace within 47 Prospect Hill (subject to this planning application) has been vacant for two years. The floorspace was last used as offices.

The surrounding area which is of no defined character is comprised of a mix of commercial and residential uses.

Proposal Description

This is a full planning application to change the use of part of the first floor area and the single storey extension to the main building situated to the rear, to an education centre offering English, maths and science tuition for 6-16 age groups. Such a use would be defined as being a D1 use under the terms of the Town and Country Planning (Use Classes) Order 1987, (as amended).

The use would offer after school tuition for children between the hours of 4pm to 7pm on Mondays and Thursdays and between 10am to 3.30pm on Saturdays. In order to allow for preparation time before and after lessons, the applicant has requested that the building be in operation from between 3pm and 8pm on a weekday and between 9am and 4.30pm on a Saturday. A maximum of 15 children could be accommodated within the larger of the two

**PLANNING
COMMITTEE**2nd November 2011

proposed classrooms, with a maximum of 10 children in the smaller of the two. The classrooms would be situated within the existing first floor area of the building. The single storey extension to the building contains toilets and a small kitchen area (as existing) and would be used as a small reception. An existing staircase leads from this smaller building to the first floor (proposed teaching) area.

Officers have been informed that a maximum of 6 part-time teaching staff would be employed. Children would be taught by means of maximum 1 hour 20 minute block periods after which time they would depart for the day. It is expected that children would arrive in small groups of 5 to 6, leaving after the 80 minute period to be replaced by a second set of children. There would be a maximum of 2x1 hour 20 minute sessions during week days and a maximum of 3x1 hour 20 minute sessions on a Saturday.

A non-demarcated parking area exists within the site capable of accommodating a maximum of three vehicles in connection with the applicant's proposed business.

Relevant Key Policies:

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development

PPG13 Transport

Borough of Redditch Local Plan No.3

CS.7 The sustainable location of development

B(BE).13 Qualities of good design

C(T).12 Parking Standards (Appendix H)

Relevant Site Planning History

None

Public Consultation Responses**Responses in favour**

None received

Responses against

Four letters received. Comments summarised as follows:

**PLANNING
COMMITTEE**2nd November 2011

- Limited on-site parking coupled with a very busy road means that highway safety would be prejudiced
- Building is not fit for purpose
- Concerns regarding over-intensive use of the site
- Noise disturbance arising from the proposed use would have a detrimental impact on residential amenity

Some comments received are not reported here since they are not material considerations in the determination of this application.

Consultee Responses***Worcestershire Regulatory Services***

No objection

County Highway Network Control

No objection

Procedural matters

This application is put before the Planning Committee because two or more objections to the application have been received, and the recommendation is to grant planning permission.

Assessment of Proposal

The key issues for consideration are as follows:

Principle

The site occupies a sustainable urban location, being situated only 140 metres due north of the Redditch Town Centre boundary, as shown on the Local Plan Town Centre inset map. The area is mixed in character containing residential as well as a number of commercial uses. Part of the building is already in commercial use (as an accountancy office). The area to be changed to education use, subject to this application was last used for office use before becoming vacant two years ago. Officers raise no objections to the principle of the building being used for the proposed purpose since the use would bring part of a vacant building back into beneficial use and would create new employment in a sustainable location near to the town centre.

Highway Safety

A non-demarcated parking area which could accommodate a maximum of four small cars exists within the curtilage of the building, although one of the spaces is leased to the accountancy firm referred to earlier in the report. Three parking spaces are therefore allocated to the proposed use. The floorspace subject to this planning application could be used by a general office user at any time without requiring planning permission. Your Officers do not consider that the proposed use of the in-curtilage car park would be

PLANNING COMMITTEE

2nd November 2011

any more intensive (by staff only) than that which could exist at any time in the future (as an office) without requiring consent.

A maximum of six part-time staff would be employed in a teaching capacity, some of whom may need to park elsewhere (if they are not to cycle, walk or to use public transport to travel to and from the site). The applicant has stated that the part-time teaching staff would be able to park in the public car park directly opposite the site and that the applicant, as manager of the business would pay for charges incurred by paying to park at that car park. Parents of children being dropped off and collected from the site by car would not be able to park within the site itself. Literature sent to parents would encourage parents to park elsewhere and particularly at the large public car park opposite the entrance to the site which is accessed off Prospect Hill, or use more sustainable travel options to access the site.

County Highways have raised no objection to the application and Officers consider that the proposals are unlikely to give rise to significant highway safety issues.

Impact upon nearby residential amenity

Whilst vehicle movements to and from the site are unlikely to be materially different from that which could occur at any time without requiring planning consent, the nature of this use with the associated 'comings and goings' of parents and children from the site in the 1hr 20 minute blocks has to be assessed. Having done so, Officers are satisfied that no loss of residential amenity would result from the proposed development. Any noise arising from the proposed use which is unlikely to be significant would be contained wholly within the building. No opportunities for outdoor play exist anywhere within the application site and in any case, the nature of such a use would not require such a facility.

In order to protect nearby residential amenity, a condition restricting hours of operation is recommended.

Conclusion

The proposal is considered to comply with the planning policy framework and would not cause harm to amenity or safety.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:

1. Development to commence within three years
2. Development in accordance with plans (listed)

**PLANNING
COMMITTEE**

2nd November 2011

3. Hours of operation to be limited to between 3pm & 8pm Monday to Friday and between 9am & 4.30pm on Saturdays and at no other times

Informatives

1. Reason for approval.

**PLANNING
COMMITTEE**

2nd November 2011

**CHURCH HILL DISTRICT CENTRE APPLICATION
EXTENSION OF TIME FOR COMPLETION OF PLANNING OBLIGATION**

Relevant Portfolio Holder(s)	Cllr Jinny Pearce, Planning, Regeneration, Economic Development & Transport.
Portfolio Holder Consulted	No – as relates to a Planning Application / Planning Committee
Relevant Head of Service	Ruth Bamford, Head of Planning & Regeneration Services
Wards Affected	Church Hill Ward
Ward Councillors Consulted	No – as relates to a minor administrative adjustment only
Not a Key Decision	

PLANNING APPLICATION 2011/227/FUL

PROPOSAL MIXED USE DEVELOPMENT INCLUDING MEDICAL CENTRE AND RETAIL BUILDING WITH CAR PARKING AND LANDSCAPING, 51 DWELLINGS, NEW HIGH STREET AND ASSOCIATED OPEN SPACE TO FORM A REGENERATED DISTRICT CENTRE.

**LOCATION CHURCH HILL DISTRICT CENTRE,
TANHOUSE LANE, REDDITCH.**

WARD CHURCH HILL

DECISION PLANNING RESOLUTION MADE AT PLANNING COMMITTEE ON 3RD OCTOBER 2011.

1. Summary of Proposals

- 1.1 This application was reported to Planning Committee for determination at its meeting on 3rd October 2011. The Committee resolved that planning permission would be granted, subject to a planning obligation in the form of a legal agreement under Section 106 of the Town & Country Planning Act 1990 (as amended). The resolution required that this agreement be completed by 22nd November 2011.
- 1.2 Owing to the content, nature and complexity of this document and the number of parties to it, Officers now consider it unlikely that this date is realistic for the completion of the agreement. Therefore, in order for Officers to be able to progress the agreement and reach the outcome resolved by the Committee, it has been agreed, in consultation with the Committee Chair, Cllr Michael Chalk, that a further length of time be

PLANNING COMMITTEE

2nd November 2011

added to that originally resolved in order that the matter may be completed appropriately.

- 1.3 Officers consider that it would be more constructive, and would concur with the Committee's wishes, as confirmed by Cllr Chalk, to continue the process towards the conclusion of the legal agreement than to issue a refusal at a point when the matter is nearing completion.
- 1.4 Therefore, a more realistic date has been agreed within which it is considered likely to be able to complete the agreement but without delaying the project at all.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that:

- 1) **the change of date for the completion of the planning obligation from 22nd November 2011 to 23rd December 2011 (or 31st January 2012) be noted;**

and to RECOMMEND that:

- 2) **the Scheme of Delegation to Officers be updated to include authority, in consultation with the Committee Chair, to vary such deadline dates in similar circumstances.**

3. IMPLICATIONS

No specific implications for any party have been identified other than as detailed in the summary above or in the original Application report to the Committee.

The Legal Services Manager and Democratic Services Manager have been consulted and have raised no objection to any aspect of this report and associated course of action.

AUTHOR OF REPORT

Name: Ailith Rutt, Development Management Manager
E mail: ailith.rutt@bromsgroveandredditch.gov.uk
Tel: 01527 64252 Extension 3374.

PLANNING COMMITTEE

2nd November 2011

APPEAL OUTCOME REPORT FOR INFORMATION

APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSION

PLANNING APPLICATION DETAILS: 2010/227/OUT

PROPOSAL	OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A REPLACEMENT DWELLING WITH DETACHED GARAGE AND STORE
LOCATION	THE TIN HOUSE, BLAZE LANE, HUNT END
WARD	ASTWOOD BANK & FECKENHAM
DECISION	PLANNING DECISION MADE UNDER DELEGATED POWERS ON 2ND NOVEMBER 2010

The author of this report is Nina Chana, Assistant (DC), who can be contacted on extension 3207 (e-mail: nina.chana@bromsgroveandredditch.gov.uk) for more information.

Discussion

Outline planning permission was sought for a replacement dwelling with a detached garage and store. The site was located within the Green Belt and there was very little evidence of some form of a building on the site for many years and it was not substantial enough to justify a replacement dwelling application. It was claimed that there was a building on the site at some stage in the past which got burnt down.

The application was assessed against PPG 2 – Green Belts and it was established that such a development would be considered inappropriate development in the Green Belt and the fact that the previous burnt down dwelling was abandoned for a long time, there was not enough justification for a case for a replacement dwelling.

The application was refused, as such a proposal was considered to be contrary to Policy B(RA).1 of the Borough of Redditch Local Plan No 3 and national guidance set out in PPG2- 'Green Belts'.

The applicant appealed against the refusal notice, however, the Inspector concluded that such a development would be considered inappropriate in the Green Belt and no very special circumstances were put forward for a replacement dwelling. She also agreed that such a development would be contrary to Policy B(RA).1 of the Borough of Redditch Local Plan No 3 and national guidance set out in PPG2- 'Green Belts'

PLANNING COMMITTEE

2nd November 2011

Appeal outcome

The planning appeal was DISMISSED.

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.

PLANNING COMMITTEE

2nd November 2011

APPEAL OUTCOME REPORT FOR INFORMATION

APPEAL MADE AGAINST A GRANT OF PLANNING PERMISSION SUBJECT TO CONDITIONS

PLANNING APPLICATION DETAILS: 2010/244/COU

**PROPOSAL CHANGE OF USE OF PREMISES FROM A1 (SHOPS) TO
A5 (HOT FOOD TAKEAWAY) (RETROSPECTIVE)**

**LOCATION 9 MATCHBOROUGH CENTRE, MATCHBOROUGH WAY,
REDDITCH**

WARD MATCHBOROUGH

**DECISION PLANNING DECISION MADE AT PLANNING COMMITTEE
ON 9TH NOVEMBER 2010**

The author of this report is Steven Edden, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

Discussion

The case related to a former shop use which had been operating as the 'Woodstock Cafe' without consent. Members granted retrospective permission for a restaurant and takeaway use as per the recommendation of Officers subject to the imposition of conditions. Condition number 2 attached to the consent stated the following:

The hot food takeaway element approved under this consent is restricted to the sale of pizzas only, with the use remaining strictly ancillary to the primary use of the premises as a cafe/restaurant use falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that class in any statutory instrument amending, revoking and/or re-enacting that order with or without modification.

Reason: The sale of hot foods other than pizza from the premises may have required an alternative cooking odour extraction system, details of which have not been submitted with the application, and to restrict the sale of hot foods to an acceptable level in accordance with Policy E(TCR).9 and E(TCR).12 of the Borough of Redditch Local Plan No.3.

The appellant considered that the above condition was overly restrictive and appealed to the Planning Inspectorate to seek its removal. Officers sought to defend the reason for imposing the above condition through written representations to the Planning Inspector.

PLANNING COMMITTEE

2nd November 2011

In view of the location of the site, within a very small district centre and having regard to the close proximity of two other hot food takeaway uses, the Inspector agreed with the Council that it would be reasonable to seek to retain the cafe function as the primary use of the premises in order to avoid an over-concentration of A5 uses which would be detrimental to the vitality of the centre. The Inspector also understood concerns that without an appropriate condition, the frying of large quantities of food could not be controlled which could harm the living and working conditions of nearby occupiers.

Whilst the Inspector was satisfied that the A5 use should remain subsidiary to the cafe use and considered it wise to prohibit the sale of fried foods (such as fish and chips) she considered that restricting the hot food takeaway uses to pizzas only was overly severe and restrictive. She considered that any hot foods, providing they are not fried, for example jacket potatoes could be sold for takeaway.

Appeal outcome

The appeal to remove condition 2 as stated on the original decision notice was ALLOWED but with a substituted condition which now reads as follows:

The A5 (hot food takeaway) use hereby permitted shall remain subsidiary to the primary A3 (cafe/restaurant) use and the range of hot foods sold for takeaway shall be restricted to pizzas and other foods sold for consumption in the cafe, but with the exception of fried foods which shall not be sold for consumption off the premises.

Costs were neither sought nor awarded.

Further issues

Although the decision to allow the appeal has been made in so far as the original condition has been deleted, it has been substituted with a similar condition which allows other hot foods (but not fried foods) to be sold for takeaway which was always the primary concern raised by Officers and as explained to Members at the time. In terms of lessons learnt however, having read the appeal decision letter, Officers do understand why the Inspector saw fit to amend the condition, and ongoing monitoring of the situation will be carried out to ensure compliance.

Recommendation

**The Committee is asked to RESOLVE that
the item of information be noted.**

PLANNING COMMITTEE

2nd November 2011

APPEAL OUTCOME REPORT FOR INFORMATION

APPEAL MADE AGAINST REFUSAL OF PRIOR APPROVAL OF THE SITING AND DESIGN OF A TELECOMMUNICATIONS INSTALLATION

PLANNING APPLICATION DETAILS: 2011/030/GDO

PROPOSAL	15m MONOPOLE, EQUIPMENT CABINET AND ANCILLARY APPARATUS
LOCATION	HIGHWAY VERGE OFF CLAYBROOK DRIVE, REDDITCH
WARD	MATCHBOROUGH
DECISION	PLANNING DECISION MADE AT PLANNING COMMITTEE ON 29TH MARCH 2011

The author of this report is Ailith Rutt, Development Management Manager, who can be contacted on extension 3374 (e-mail: ailith.rutt@bromsgroveandredditch.gov.uk) for more information.

Discussion

Whilst Officers considered that the siting and appearance of this installation were appropriate, in their discussion at Committee Members considered that these matters were not acceptable and refused to grant prior approval for the following reason:

The siting of the proposed installation would be in close proximity to a significant number of residential properties such that it would be likely to have an adverse effect on their amenity and outlook, as well as having the potential to give rise to the fear of negative health effects. As such, the proposal is considered to be contrary to PPG8 and Policy B(BE)13 of the Borough of Redditch Local Plan No.3.

The Inspector considered that the proposed siting was such that the installation would be well screened and appear unobtrusive, well separated from any residential properties such that there would be no harm to residential outlook. She further regarded the sharing of the installation by two operators to be good practice.

Whilst there was some confusion over the location plans, which could be considered to be inaccurate and identify two slightly different locations in close proximity to each other, the Inspector clarified which plan her decision was based on, and that in either case she felt that the same considerations would apply.

**PLANNING
COMMITTEE**

2nd November 2011

Further Issues

The procedural matter has been raised with the Planning Inspectorate and Officers consider that it would not be appropriate to challenge this further.

Appeal Outcome

The planning appeal was ALLOWED. Costs were neither sought nor awarded.

Recommendation

**The Committee is asked to RESOLVE that
the item of information be noted.**

**PLANNING
COMMITTEE**

2nd November 2011

APPEAL OUTCOME REPORT FOR INFORMATION**APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSIONS AND
AGAINST AN ENFORCEMENT NOTICE****PLANNING APPLICATION DETAILS: 2011/039/S73 & 2011/052/S73****ENFORCEMENT NOTICE DETAILS: 2010/195/ENF**

PROPOSAL **VARIATION OF CONDITIONS RELATING TO THE
SOURCE OF PRODUCE SOLD IN THE FARM SHOP,
OPENING HOURS OF THE FARM SHOP AND TEA ROOM
AND NUMBER OF COVERS IN THE TEA ROOM
ENFORCEMENT NOTICE ALLEGED CHANGE OF USE
OF ANCILLARY SHOP FLOOR TO RETAIL, OF FIELD TO
CAR PARKING, ERECTION OF STORAGE UNITS, WC
EXTENSION AND CANOPY PORCH, AND INSERTION OF
WINDOWS IN TEA ROOM**

LOCATION **STABLES FARM SHOP, ASTWOOD LANE, ASTWOOD
BANK**

WARD **ASTWOOD BANK & FECKENHAM**

DECISION **PLANNING DECISIONS MADE BY OFFICERS USING
DELEGATED POWERS**

The author of this report is Ailith Rutt, Development Management Manager, who can be contacted on extension 3374 (e-mail: ailith.rutt@bromsgroveandredditch.gov.uk) for more information.

Discussion

Both the planning permission refusals and the enforcement notice were appealed, and the planning inspectorate linked all three appeals so that they were considered in one informal hearing on 6th September 2011. Members of the public and Councillors were present at the hearing.

The site lies within the Green Belt adjacent to the defined village settlement of Astwood Bank and is surrounded by residential properties on three sides, with fields to the fourth.

The applications for variation of conditions had been considered by Officers and refused as proposed, because the terms put forward by the applicants could not be varied. The opening hours were considered to be acceptable, but the delivery hours so early in the morning were considered likely to cause harm to surrounding residential amenities by causing disturbance at an

**PLANNING
COMMITTEE**2nd November 2011

unsociable hour. Further, the original use of the site was allowed as ancillary to the farm and to be of a small scale use. As such, the conditions regarding the number of seats in the tea room and the sourcing of local produce were attached to restrict the use on that basis.

Over time, the use on the site has become a successful local business and expanded incrementally beyond the terms of its original planning consents which were granted in 2007 and 2008. As a result, variations to some of the restrictive conditions were sought, and other retrospective development was not granted consent, thus resulting in the issuing of an enforcement notice seeking to rectify the position and protect local amenities.

The inspector considered the cases for the Council and the appellants, and also heard from local residents and Members at the appeal hearing. He conducted an accompanied site visit and then wrote his decision letter.

Appeal Outcome

The planning appeal was allowed in part in that the terms of the conditions were varied and the Enforcement Notice was varied. Costs were neither sought nor awarded.

The opening hours were varied to allow for them to be aligned so that the farm shop and the tea room could open for the same periods, and a window at the beginning and end of each day when deliveries are allowed and staff can be present on site was also defined. This, however, was not allowed as early as the appellants had requested, in order to protect residential amenity.

The sourcing of local produce in the farm shop was clarified through the redrafting of the condition, however essentially the vast majority of goods for sale in the shop must be from the immediately local area.

The tea room was allowed an increase in the number of seats that it can operate, however the area within which these must be placed was defined by the Inspector, to restrict sprawl across the site and protect residential amenities and the safety of customers.

The car park extension was not considered to be acceptable, and the Enforcement Notice upheld and clarified in this respect, so that the appellants have three months in which to return the car park extension to its former state and reinstate the boundary treatment to prevent its use.

The Inspector found that the WC extension was not harmful, and as such allowed it to remain and granted it planning permission. The Enforcement Notice was varied accordingly.

PLANNING COMMITTEE

2nd November 2011

The storage sheds to the rear of the shop were considered by the Inspector not to require planning permission on a legal technicality, and as such the requirement to remove them from the site was deleted from the Enforcement Notice. As a result of that decision, the Inspector found that the use of the whole of the internal shop floor area for the display and sale of goods was acceptable and granted planning permission for it, and varied the notice accordingly.

The Council chose not to pursue the canopy porch to the tea room and the insertion of windows as it did not consider these harmful, and this approach was supported and endorsed by the Inspector.

Further Issues

As a result of the appeal decision, ongoing monitoring of the site will continue to ensure that the remaining elements of the Enforcement Notice are complied with in the timescales prescribed by the Inspector. The timeframes proposed by the Council were agreed by the appellant and the Inspector, and thus have not been altered.

Recommendation

**The Committee is asked to RESOLVE that
the item of information be noted.**

PLANNING COMMITTEE

2nd November 2011

APPEAL OUTCOME REPORT FOR INFORMATION

APPEAL MADE AGAINST REFUSAL OF PLANNING PERMISSION

PLANNING APPLICATION DETAILS: 2011/107/FUL

PROPOSAL	TWO STOREY EXTENSION TO SIDE AND SINGLE STOREY EXTENSION TO REAR
LOCATION	32 PETERBROOK CLOSE, REDDITCH
WARD	HEADLESS CROSS AND OAKENSHAW
DECISION	DECISION MADE BY OFFICERS UNDER DELEGATED POWERS 9TH JUNE 2011

The author of this report is Steven Edden, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

Discussion

The case related to a two storey and single storey extension to a detached dwelling house in Peterbook Close. The planning application was refused for the following reasons:

1. The proposed two storey side extension, by virtue of its siting, size and design would have a disproportionate, dominating and adverse effect on the design, character and appearance of the existing dwelling and would have a consequential detrimental impact upon the street-scene. As such, the development would be harmful to the visual amenities of the area contrary to Policies B(BE).13 and B(BE).14 of the Borough of Redditch Local Plan No.3 and the Borough of Redditch SPG on Encouraging Good Design.
2. It would be possible in the future to occupy the proposed two storey extension as a separate dwelling. However, if this were to be the case, additional matters would then need to be taken into consideration which would be outside the remit of the current application. It is therefore not possible to assess the current proposal against the policy criteria relating to the creation of a new dwelling, nor is it reasonable to restrict its occupation in the absence of this information. Therefore the harm of this proposal cannot be fully assessed against the relevant policy criteria within relevant policies for example PPS 1, PPS 3 and Local Plan No.3 Policies B(HSG).6, B(BE).13, B(BE).14 and C(T).12 and the Encouraging Good Design SPG.

**PLANNING
COMMITTEE**2nd November 2011

Officers sought to defend these reasons through written representations to the Planning Inspector.

The Inspector, like Officers, considered that due to its width, the two storey side extension would fail to respect or reflect the proportions of the existing dwelling or other dwellings in the locality, being out of keeping with the prevailing pattern of development on the estate. The Inspector considered that the situation would be exacerbated by the introduction of a second front door which would give the extension the appearance of a small attached dwelling. Turning to the second reason for refusal, she noted that internal floor plans showed that an internal door would be positioned between the two storey extension and the existing dwelling and that front and rear gardens would not be divided. She considered that the occupation of the development by a dependant relative could be achieved via the imposition of conditions to reinforce the fact that the property comprises a single dwelling. The Inspector concluded that the proposal did not need to be assessed against the additional policies as listed in the second refusal reason. However, she considered that finding in favour of the appellant on the second refusal reason did not outweigh the harm identified by the Council in refusal reason one, the Inspector considering that the two storey extension would harm the character and appearance of the existing dwelling and the street-scene.

A small single storey rear extension was shown on the plans accompanying the planning application and appeal. Despite Officers confirming that this aspect would fall within the provisions of permitted development rights, the Inspector considered that these minor works should form part of the appeal.

Appeal outcome**SPLIT DECISION**

Finding the single storey rear extension wholly acceptable, as did Officers, the Inspector ALLOWED the appeal in so far that it related to this element, and DISMISSED the appeal in so far as it related to the two storey extension. Costs were neither sought nor awarded.

Further issues

None.

Recommendation

**The Committee is asked to RESOLVE that
the item of information be noted.**